

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

AARON MALDONADO, *et al.*,

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V.

Case No. 5:21-cv-85

**MAMMOTH ENERGY SERVICES,
INC., COBRA ACQUISITIONS, LLC,
HIGHER POWER ELECTRICAL, LLC,
and 5 STAR ELECTRIC, LLC,**

Defendants.

UNOPPOSED MOTION TO DISMISS CERTAIN PLAINTIFFS' CLAIMS

Defendants Mammoth Energy Services Inc., Cobra Acquisitions, LLC, Higher Power Electrical, LLC, and 5 Star Electric, LLC (collectively, “Defendants”) hereby move this Court to dismiss all the claims of Plaintiffs Roy Wayne Bailey and Patrick Walker. In support thereof Defendants respectfully show the Court as follows:

I. BACKGROUND

1. On February 2, 2021, Plaintiffs brought this litigation against Defendants alleging claims for failure to pay overtime wages under the Fair Labor Standard Act, 29 U.S.C. § 201, *et seq.*, as amended. Complaint (Docket No. 1).

2. On March 16, 2021, Defendants filed an Answer and Defenses to Plaintiffs' Original Collective Action Complaint (Docket No. 5) subject to and without waiving Defendants' Motion to Compel Arbitration.

3. On November 29, 2021, (Docket No. 14) the parties filed a Joint Motion to Dismiss Certain Plaintiffs' Claims and to Stay Proceedings as to the Remaining Plaintiffs' Claims. On November 30, 2021 (Docket No. 15) the Court signed an Order granting such Motion.

4. On April 10, 2023 (Docket No. 17) the stay was lifted by the Court.
5. Defendants request that the following Plaintiffs be dismissed from this action. Mr. Bailey was never employed by any of the Defendants, as Plaintiffs' counsel has acknowledged. Further, Plaintiffs' counsel has also acknowledged that Mr. Walker is exempt from overtime wages under the Fair Labor Standard Act, 29 U.S.C. § 201, *et. seq.*, as amended.

No.	Last Name	First Name
1.	Bailey	Roy Wayne
2.	Walker	Patrick

II. CONCLUSION

Accordingly, Defendants respectfully request that the Court grant this Unopposed Motion and enter an order dismissing with prejudice all claims of Roy Wayne Bailey and Patrick Walker, with each party to bear its own costs.

Dated: June 14, 2024

Respectfully submitted,

/s/ William R. Stukenberg
William R. Stukenberg
Texas Bar No. 24051397
PORTER HEDGES LLP
1000 Main Street, 36th Floor
Houston, Texas 77002
Telephone: (713) 226-6611
Facsimile: (713) 226-6211
wstukenberg@porterhedges.com
ATTORNEY-IN-CHARGE FOR DEFENDANTS

CERTIFICATE OF CONFERENCE

I certify that my office conferred with counsel for Plaintiffs and that he has indicated that he does not oppose this motion.

/s/ William R. Stukenberg
William R. Stukenberg

CERTIFICATE OF SERVICE

I certify that I filed the foregoing in accordance with the protocols for e-filing through the CM/ECF system in the United States District Court for the Western District of Texas, San Antonio Division on June 14, 2024 and that it therefore has been served upon all counsel of record in accordance with such e-filing protocols.

/s/ William R. Stukenberg

William R. Stukenberg